

Interim Order Respecting Cruise Ship Restrictions and Vaccination Requirements Due to the Coronavirus Disease 2019 (COVID-19)

From: Transport Canada

Whereas the Minister of Transport believes that the annexed *Interim Order Respecting Cruise Ship Restrictions and Vaccination Requirements Due to the Coronavirus Disease 2019 (COVID-19)* is required to deal with a direct or indirect risk to marine safety or to the marine environment;

And whereas the provisions of the annexed Interim Order may be contained in a regulation made pursuant to subsection 120(1) ^a and paragraphs 136(1)(f) ^b and (h) ^b of the Canada Shipping Act, 2001 ^c;

Therefore, the Minister of Transport, pursuant to subsection 10.1(1) ^d of the Canada Shipping Act, 2001 ^c, makes the annexed *Interim Order Respecting Cruise Ship Restrictions and Vaccination Requirements Due to the Coronavirus Disease 2019 (COVID-19)*.

Ottawa, June 19, 2022

Minister of Transport,
Omar Alghabra

Interpretation

Definitions

1 (1) The following definitions apply in this Interim Order.

COVID-19 means the coronavirus disease 2019.

COVID-19 antigen test means a COVID-19 screening or diagnostic immunoassay that

- a. detects the presence of a viral antigen indicating the presence of COVID-19;
- b. is authorized for sale or distribution in Canada or in the jurisdiction in which it was obtained;
- c. if the test is self-administered, is observed and whose result is verified
 - i. in person by an accredited laboratory or testing provider, or
 - ii. in real time by remote audiovisual means by the accredited laboratory or testing provider that provided the test; and
- d. if the test is not self-administered, is performed by an accredited laboratory or testing provider.

COVID-19 molecular test means a COVID-19 screening or diagnostic test, including a test performed using the method of polymerase chain reaction (PCR) or reverse transcription loop-mediated isothermal amplification (RT-LAMP), that

- a. if the test is self-administered, is observed and whose result is verified
 - i. in person by an accredited laboratory or testing provider, or
 - ii. in real time by remote audiovisual means by the accredited laboratory or testing provider that provided the test; or
- b. if the test is not self-administered, is performed by an accredited laboratory or testing provider.

cruise ship means any passenger vessel, other than a ferry vessel or a passenger vessel that provides essential services, whose passengers are scheduled to be on board for 24 hours or more.

ferry vessel means any vessel, having provision for deck passengers and for vehicle, that is operated on a short run on a schedule between two points over the most direct water route and offers a public service of a type normally attributed to a bridge or tunnel.

large cruise ship means a cruise ship that

- a. is certified to carry more than 100 persons, as indicated on the safety inspection certificate or safety certificate for passenger vessels issued to it under the Vessel Safety Certificates Regulations or on an equivalent certificate issued by a foreign government; and
- b. is equipped with berths or cabins for overnight travel by passengers.

Minister means the Minister of Transport.

passenger vessel means a vessel, other than a ferry vessel, that is certified to carry more than 12 passengers as indicated on the inspection certificate or safety certificate for passenger vessels issued to it under the Vessel Safety Certificates Regulations or on an equivalent certificate issued by a foreign government.

passenger vessel that provides essential services means a passenger vessel that is set out in the schedule.

Ship Safety Bulletin No. 17/2021 means the Ship Safety Bulletin entitled *Measures for Persons (other than passengers) on Canadian Vessels and Foreign Passenger Vessels Operating in Canadian Waters to Mitigate the Spread of*

COVID-19, SSB No. 17/2021, published on November 1, 2021 by the Marine Safety and Security Directorate of Transport Canada, as amended from time to time or as replaced.

Ship Safety Bulletin No. 18/2021 means the Ship Safety Bulletin entitled *Measures to Support Safe Cruise Travel in Canada*, SSB No. 18/2021, published on November 30, 2021 by the Marine Safety and Security Directorate of Transport Canada, as amended from time to time or as replaced.

signs and symptoms of COVID-19 include a fever and a cough or a fever and difficulty breathing.

small cruise ship means a cruise ship that

- a. is certified to carry 100 persons or fewer, as indicated on the safety inspection certificate or safety certificate for passenger vessels issued to it under the Vessel Safety Certificates Regulations or on an equivalent certificate issued by a foreign government; and
- b. is equipped with berths or cabins for overnight travel by passengers.

testing provider means

- a. a person who may provide COVID-19 screening or diagnostic testing services under the laws of the jurisdiction where the service is provided;
- b. an organization, such as a telehealth service provider or pharmacy, that may provide COVID-19 screening or diagnostic testing services under the laws of the jurisdiction where the service is provided and that employs or contracts with a person referred to in paragraph (a); or
- c. in the case of a COVID-19 antigen test, a person employed by the authorized representative who is trained to oversee the results of the test and attest to it.

Interpretation — fully vaccinated

(2) For the purposes of this Interim Order, a person is fully vaccinated at least 14 days after they complete a COVID-19 vaccine dosage regimen if

- a. in the case of a vaccine dosage regimen that uses a COVID-19 vaccine that is authorized for sale in Canada,
 - i. the vaccine has been administered to the person in accordance with its labelling, or
 - ii. the Minister of Health determines, on the recommendation of the Chief Public Health Officer appointed under subsection 6(1) of the *Public Health Agency of Canada Act*, that the regimen is suitable, having regard to the scientific evidence related to the efficacy of that regimen in preventing the introduction or spread of COVID-19 or any other factor relevant to preventing the introduction or spread of COVID-19; or
- b. in all other cases,
 - i. the vaccines of the regimen are authorized for sale in Canada or in another jurisdiction, and
 - ii. the Minister of Health determines, on the recommendation of the Chief Public Health Officer appointed under subsection 6(1) of the *Public Health Agency of Canada Act*, that the vaccines and the regimen are suitable, having regard to the scientific evidence related to the efficacy of that regimen and the vaccines in preventing the introduction or spread of COVID-19 or any other factor relevant to preventing the introduction or spread of COVID-19.

For greater certainty

(3) For greater certainty, for the purposes of subsection (2), a COVID-19 vaccine that is authorized for sale in Canada does not include a similar vaccine sold by the same manufacturer that has been authorized for sale in another jurisdiction.

Application

International voyage

2 This Interim Order applies to cruise ships operating in Canadian waters that are on a voyage that

- a. begins at a port in Canada and includes a scheduled stop at one or more ports of call in a country other than Canada; or
- b. begins at a port in a country other than Canada and includes a scheduled stop at one or more ports of call in Canada.

Cruise Ships

Prohibition — large cruise ships

3 (1) It is prohibited for a large cruise ship to be operated unless the ship's authorized representative

- a. has verified that, before boarding the ship, every person is fully vaccinated or has a reason referred to in subsection (6) for not being fully vaccinated;
- b. has implemented a COVID-19 management plan that contains the measures referred to in section 12;
- c. has verified that, before boarding the ship, every person, other than a passenger, has undergone testing for COVID-19 as set out in Ship Safety.

- Bulletin No. 17/2021 and has provided evidence of the result of the tests indicating that they obtained the result provided for in the bulletin for those tests;
- d. has verified that, before boarding the ship, every passenger has undergone testing for COVID-19 as set out in Ship Safety Bulletin No. 18/2021 and has provided evidence of the result of the tests indicating that they obtained the result provided for in the bulletin for those tests;
 - e. has measures in place for a person on board the ship to undergo testing for COVID-19, in accordance with the following ship safety bulletins:
 - i. in the case of a passenger, Ship Safety Bulletin No. 18/2021, and
 - ii. in the case of any other person, Ship Safety Bulletin No. 17/2021;
 - f. has developed a ship-to-shore checklist respecting procedures at ports that meets the requirements set out in subsection 16(1); and
 - g. has procedures in place for isolating or quarantining persons, in accordance with the following ship safety bulletins:
 - i. in the case of a passenger, Ship Safety Bulletin No. 18/2021, and
 - ii. in the case of any other person, Ship Safety Bulletin No. 17/2021.

Prohibition — small cruise ships

(2) It is prohibited for a small cruise ship to be operated unless the ship's authorized representative complies with the requirements set out in paragraphs (1)(a), (c) to (e) and (g) in relation to that ship.

Exception — passengers 12 years of age or older

(3) Despite subsections (1) and (2), only passengers 12 years of age or older are required to be fully vaccinated.

Exception

(4) For the purposes of paragraph (1)(a) and subsection (2), the reasons a person may have for not being fully vaccinated are the following:

- a. the person has a medical contraindication that prevents them from being fully vaccinated; or
- b. the person has a sincerely held religious belief that prevents them from being fully vaccinated, in the case of
 - i. a person, other than a passenger, on board a cruise ship, or
 - ii. a passenger who boarded a cruise ship in Canada.

Confirmation

4 Before a cruise ship is operated, the authorized representative of the ship must confirm to the Minister that they have

- a. verified that every passenger who is 12 years of age or older is fully vaccinated and that every passenger on board the ship has been tested for COVID-19 in accordance with Ship Safety Bulletin No. 18/2021 and has provided the results of their test to the authorized representative in accordance with that bulletin;
- b. verified that every person who relies on a reason for not being fully vaccinated has provided the evidence required under subsection 5(4); and
- c. put the following measures in place:
 - i. measures for every person on board the ship, other than a passenger, who is not fully vaccinated to undergo testing for COVID-19 as set out in Ship Safety Bulletin No. 17/2021, and

- ii. measures for every passenger on board the ship who is not fully vaccinated to undergo testing for COVID-19 as set out in Ship Safety Bulletin No. 18/2021.

Evidence of vaccination

5 (1) It is prohibited for any person, other than a passenger who is less than 12 years of age, to be on board a cruise ship unless the person has provided to the ship's authorized representative evidence of COVID-19 vaccination demonstrating that they are fully vaccinated.

Exception

(2) Despite subsection (1), a person may board a cruise ship without providing to the authorized representative of the ship evidence of COVID-19 vaccination for one of the following reasons:

- a. the person has a medical contraindication that prevents them from being fully vaccinated; or
- b. the person has a sincerely held religious belief that prevents them from being fully vaccinated, in the case of
 - i. a person other than a passenger, or
 - ii. a passenger who boarded the ship in Canada.

Accommodation under applicable legislation

(3) The authorized representative must verify that a passenger relying on a reason referred to in subsection (2) is entitled to be accommodated, on the basis of the reason they are relying on, under applicable legislation, by being permitted to board the ship without being fully vaccinated.

Evidence

(4) A person who relies on a reason referred to in subsection (2) must provide to the authorized representative the following evidence:

- a. in the case of a person other than a passenger, evidence of a medical contraindication or sincerely held religious belief that contains the information set out in Ship Safety Bulletin No. 17/2021; and
- b. in the case of a passenger, evidence of a medical contraindication or sincerely held religious belief that contains the information set out in Ship Safety Bulletin No. 18/2021.

COVID-19 test results

(5) It is prohibited for a person to be on board a cruise ship unless the person has undergone testing for COVID-19 as set out in Ship Safety Bulletin No. 17/2021 or Ship Safety Bulletin No. 18/2021, as the case may be, and has provided to the authorized representative of the ship evidence of the result of the tests indicating that they obtained the result provided for in the bulletin for those tests.

Notification — vaccination

6 A cruise ship that is a foreign vessel on a voyage to Canada departing from any other country must not enter Canadian waters unless the authorized representative of the cruise ship notified every person before they boarded the ship that they may be required, under an order made under section 58 of the Quarantine Act, to provide, before boarding the ship or before entering Canadian waters, to the Minister of Health, a *screening officer*, as defined in section 2 of that Act, or a person designated as a quarantine officer under subsection 5(2) of that Act, by the electronic means specified by that Minister, information related to their COVID-19 vaccination and evidence of COVID-19 vaccination. The authorized

representative must also notify every person that they may be denied permission to board the cruise ship and may be liable to a fine if this requirement applies to them and they fail to comply with it.

Exceptions

7 This Interim Order does not apply to

- a. a cruise ship that is a foreign vessel in the territorial sea of Canada that is exercising the right of innocent passage in accordance with international law and Article 19 of Section 3 of the United Nations Convention on the Law of the Sea, done at Montego Bay on December 10, 1982; or
- b. a vessel that is operated for the purpose of saving lives, securing the safety of another vessel or preventing the immediate loss of another vessel.

Verification Process

Content

8 (1) The authorized representative of a cruise ship that is a Canadian vessel must implement a process for

- a. verifying the evidence provided by a person, other than a passenger, who has not completed a COVID-19 vaccine dosage regimen due to a medical contraindication or a sincerely held religious belief; and
- b. issuing to the person a document confirming the reason for which they did not complete a COVID-19 vaccine dosage regimen.

Medical contraindication

(2) For the purposes of subsection (1), the process must provide that a document is to be issued to a person, other than a passenger, confirming that they did not complete a COVID-19 vaccine dosage regimen on the basis of a medical contraindication only if the person provides a medical certificate from a medical doctor or nurse practitioner who is licensed to practise in Canada certifying that the person cannot complete a COVID-19 vaccination regimen due to a medical condition and specifying whether the condition is permanent or temporary.

Sincerely held religious belief

(3) For the purposes of subsection (1), the process must provide that a document is to be issued to a person, other than a passenger, confirming that they did not complete a COVID-19 vaccine dosage regimen on the basis of a sincerely held religious belief only if the authorized representative is obligated to accommodate the person on that basis under the Canadian Human Rights Act or that person would be entitled to an accommodation on that basis under applicable legislation.

Evidence and Notices

Evidence of vaccination — elements

9 (1) For the purposes of this Interim Order, evidence of COVID-19 vaccination must be evidence issued by the government or the non-governmental entity that is authorized to issue it and must contain the following information:

- a. the name of the person who received the vaccine;
- b. the name of the government or the name of the non-governmental entity;

- c. the brand name or any other information that identifies the vaccine that was administered; and
- d. the dates on which the doses of the vaccine were administered or, if the evidence is one document issued for more than one dose and the document specifies only the date on which the most recent dose was administered, that date.

Evidence of vaccination — translation

(2) The evidence of COVID-19 vaccination must be in English or French and any translation into English or French must be a certified translation.

Evidence of test result — elements

10 For the purposes of this Interim Order, evidence of a COVID-19 antigen test result or a COVID-19 molecular test result must include

- a. the name and date of birth of the person whose specimen was collected for the test;
- b. the name and civic address of the accredited laboratory or the testing provider that performed or observed the test and verified the result;
- c. the date the specimen was collected and the test method used; and
- d. the test result.

Notice to Minister — persons other than passengers

11 (1) An authorized representative of a cruise ship who has reason to believe that a person, other than a passenger, provided evidence of COVID-19 vaccination, of a COVID-19 test result, of a medical contraindication or of a sincerely held religious belief that is likely to be false or misleading must as soon as feasible provide to the Minister the person's name, contact

information and, if applicable, their Candidate document number (CDN) or their Certificate of Competency number from the Standards for Training, Certification and Watchkeeping (STCW).

Notice to Minister — passengers

(2) An authorized representative of a cruise ship who has reason to believe that a passenger provided evidence of COVID-19 vaccination, of a COVID-19 test result, of a medical contraindication or of a sincerely held religious belief that is likely to be false or misleading must as soon as feasible provide to the Minister

- a. the person's name, date of birth and contact information;
- b. the person's travel information; and
- c. a description of the circumstances that led the authorized representative to believe that the evidence is likely to be false or misleading and the date on which they occurred.

COVID-19 Management Plan

Content

12 A COVID-19 management plan must include the measures set out in Ship Safety Bulletin No. 18/2021.

Notice to Minister

13 The authorized representative of a large cruise ship must notify the Minister before the ship is first operated in, or first enters, Canadian waters, whichever occurs first after this Interim Order is made, that they have implemented their COVID-19 management plan in accordance with section 12.

Management plan kept on board

14 The authorized representative of a large cruise ship must ensure that a copy of their COVID-19 management plan is kept on board the ship and must make that plan available to the Minister within 12 hours of the Minister's request.

Amending management plan

15 The authorized representative of a cruise ship must amend their COVID-19 management plan on the request of the Minister and must submit the amended plan to the Minister within five business days after the day on which the request is made.

Ship-to-Shore Checklist Respecting Procedures at Ports

Requirement

- 16** (1) The authorized representative of a large cruise ship must:
- a. develop a ship-to-shore checklist in accordance with the Standards for the Development of a Ship-to-Shore Checklist Respecting Procedures at Ports, published on April 1, 2022 by the Marine Safety and Security Directorate of Transport Canada, as amended from time to time or as replaced; and
 - b. ensure that the measures specified in the checklist are respected.

Attestation

(2) The authorized representative of a cruise ship referred to in subsection (1) must attest to the Minister that they have completed the ship-to-shore checklist and that it is signed by the port authorities. The attestation must be completed before the ship is first operated in, or first enters Canadian waters, whichever occurs first after this Interim Order is made.

Checklist kept on board

(3) The authorized representative of a cruise ship referred to in subsection (1) must ensure that a copy of the ship-to-shore checklist is kept on board the ship and must make that checklist available upon request, within 12 hours, to the Minister or to public health authorities.

Costs – Quarantine and Isolation

Minimizing the Risk of Exposure to COVID-19 in Canada Order

17 The authorized representative of a cruise ship who is required under the Minimizing the Risk of Exposure to COVID-19 in Canada Order, made by the Governor in Council under the Quarantine Act on May 31, 2022, or under any order that replaces it, to organize for a person a place of quarantine or isolation, a private conveyance or daily meals, must pay for the place, conveyance and meals.

Reports

Report – passengers

18 The authorized representative of a cruise ship must provide to the Minister a report in accordance with Ship Safety Bulletin No. 18/2021 that contains the information set out in that bulletin.

Monitoring — signs and symptoms of COVID-19

19 (1) A person on board a cruise ship must

- a. monitor themselves for signs and symptoms of COVID-19; and
- b. if they develop signs and symptoms of COVID-19, inform the master of the ship immediately and follow the master's instructions.

Requirement to inform

(2) The authorized representative of a cruise ship must ensure that persons on board the ship are informed of their obligation to monitor themselves for signs and symptoms of COVID-19.

Prohibition — Authorized Representative and Master

Prohibition

20 The authorized representative, and master, of a cruise ship must not permit the ship to contravene any of the restrictions or prohibitions set out in this Interim Order.

Enforcement

Persons ensuring compliance

21 (1) The following persons are authorized to ensure compliance with this Interim Order:

- a. marine safety inspectors;
- b. members of the Royal Canadian Mounted Police;

- c. members of any harbour or river police force; and
- d. members of any provincial, county or municipal police force.

Powers and duties

(2) A person who is authorized to ensure compliance with this Interim Order may

- a. prohibit the movement of any vessel or direct it to be moved;
- b. stop and board any vessel at any reasonable time and
 - i. direct any person to answer reasonable questions and provide reasonable assistance, and
 - ii. require any person to provide, for examination, any document that the person is required to have in their possession or that is required to be kept on board; and
- c. verify by any means that the requirements of this Interim Order are met.

Obligation to comply

22 A person or vessel must comply with any direction given to them or a requirement or prohibition imposed on them under subsection 21(2).

Repeal

23 The Interim Order No. 3 Respecting Vessel Restrictions and Vaccination Requirements Due to the Coronavirus Disease 2019 (COVID-19), made on March 31, 2022, is repealed at 23:59:59 Eastern daylight time on June 19, 2022.

Time of Application

June 20, 2022

24 Sections 1 to 23 of this Interim Order apply at 00:00:01 Eastern daylight time on June 20, 2022.

SCHEDULE(Subsection 1(1))Passenger Vessels That Provide Essential Services

Item	Vessels
1	A vessel operating to protect public health or safety or the marine environment including a vessel that is involved in (a) search and rescue operations; or (b) emergency or environmental response.
2	A vessel that supports the activities of any of the following at their request: (a) the Minister; (b) the Minister of Fisheries and Oceans; (c) a member of the Canadian Coast Guard; or (d) a peace officer in the performance of their duties.
3	A vessel that operates when it is the most practical means to (a) give passengers access to their domicile or residence or their place of employment; (b) give passengers access to essential goods and services, including

Item	Vessels
	(i) goods or services directly related to the response to COVID-19, including medical equipment, testing and laboratory services, (ii) essential health services, including primary health care services and pharmacies, and (iii) food, potable water, pharmaceuticals and fuel;
	(c) transport cargo to resupply communities, businesses or industry; or
	(d) give passengers access to services that are declared to be essential services by the Government of Canada, a provincial government, a local authority or a government, council or other entity authorized to act on behalf of an Indigenous group.

Footnotes

a S.C. 2018, c. 27, s. 694

b S.C. 2005, c. 29, s. 18

c S.C. 2001, c. 26

d S.C. 2018, c. 27, s. 690



Transport Canada is closely monitoring the COVID-19 situation. In response, we have issued some **transportation-related measures and guidance**. Please check if any of these measures apply to you.



You may experience longer than usual wait times or partial service interruptions. If you cannot get through, please **contact us by email**.

For information on COVID-19 updates, please visit **Canada.ca/coronavirus**.

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